



Item #6 Maggi/Ryzoc – Variance PC  
Staff Report

## MEMORANDUM

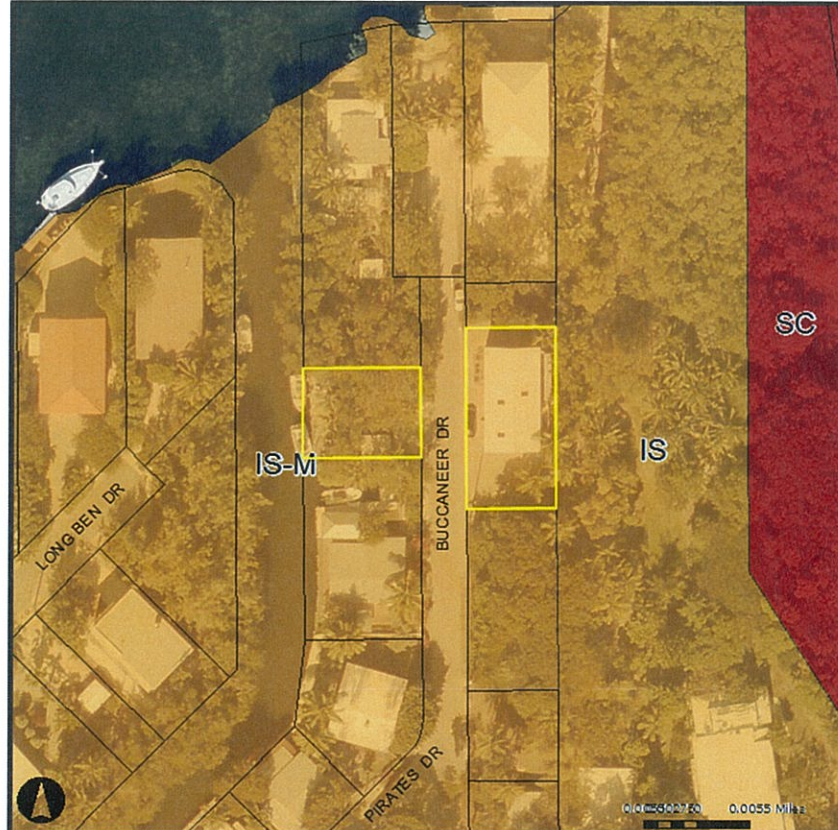
### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Planning Commission  
Through: Mayté Santamaria, Senior Director of Planning & Environmental Resources *ms*  
From: Tom Broadrick, AICP, Senior Planner  
Date: August 16, 2016  
Subject: *Request for Variance on property located at 25 Buccaneer Drive, Key Largo, Real Estate Number 00494430-000000 (File #2016-102)*

Meeting Date: August 31, 2016

I REQUEST:

The applicant is requesting approval of a variance of 15 feet to the required 25-foot primary front yard setback which is adjacent to the Buccaneer Drive right-of-way. Approval would result in a primary front yard setback of 10 feet. The variance is requested for the development of a proposed single family dwelling on the vacant waterfront lot of the adjacent lots shown below currently under the same Real Estate Number.



Property and Immediate Vicinity w/ Land Use District Overlaid (Aerial dated 2015).

II BACKGROUND INFORMATION:

**Location:** Key Largo near U.S. 1 Mile Marker 98 bayside

**Address:** 25 Buccaneer Drive

**Legal Description:** Block 13, Lot 20, Pirates Cove subdivision (Plat Book 3, Page 18)

**Real Estate (RE) Number:** 00494430-000000

**Property Owner/Applicant:** Paul Maggi and Kathleen Ryzoc

**Agent:** Don Horton, Island Construction Management, Inc.

**Size of Site:** 3,250 SF (per MCPA)

**Land Use District:** Improved Subdivision-Masonry (IS-M)

**Future Land Use Map (FLUM) Designation:** Residential Medium (RM)

**Tier Designation:** III Infill Area

**Flood Zone:** VE – EL 12 and AE – EL 10

**Existing Use:** Dock lot for single-family residence on Lots 11 & 12

**Existing Vegetation/Habitat:** Developed Land

**Community Character of Immediate Vicinity:** Single-family residential uses with National Park Service uses abutting

III RELEVANT PRIOR COUNTY ACTIONS:

None.

IV REVIEW OF APPLICATION:

As set forth in Section 130-186 of the Monroe County Land Development Code (LDC), the required non-shoreline setbacks for the IS District are as follows:

Land Use District/ Land Use	Primary Front Yard (ft.)	Secondary Front Yard (ft.)	Primary Side Yard (ft.)	Secondary Side Yard (ft.)	Rear Yard (ft.)
Improved Subdivision (IS-M)	25	15	10	5	20

The subject property is located on the west side of Buccaneer Drive. The property has a required primary front yard setback of 25 feet along the property line adjacent to Buccaneer Drive; a required 10-foot primary side yard setback; a required 5-foot secondary side yard setback; and a required 20-foot shoreline setback along the canal parallel to Long Ben Drive, Pirates Drive, and Buccaneer Drive.

The applicant is requesting approval of a variance of 15 feet from the required 25-foot primary front yard setback along the Buccaneer Drive right-of-way. As a result, the primary front yard setback along the Buccaneer Drive right-of-way would be 10 feet. The granting of the requested variance would provide the applicant with more buildable land area for a proposed single family residence.

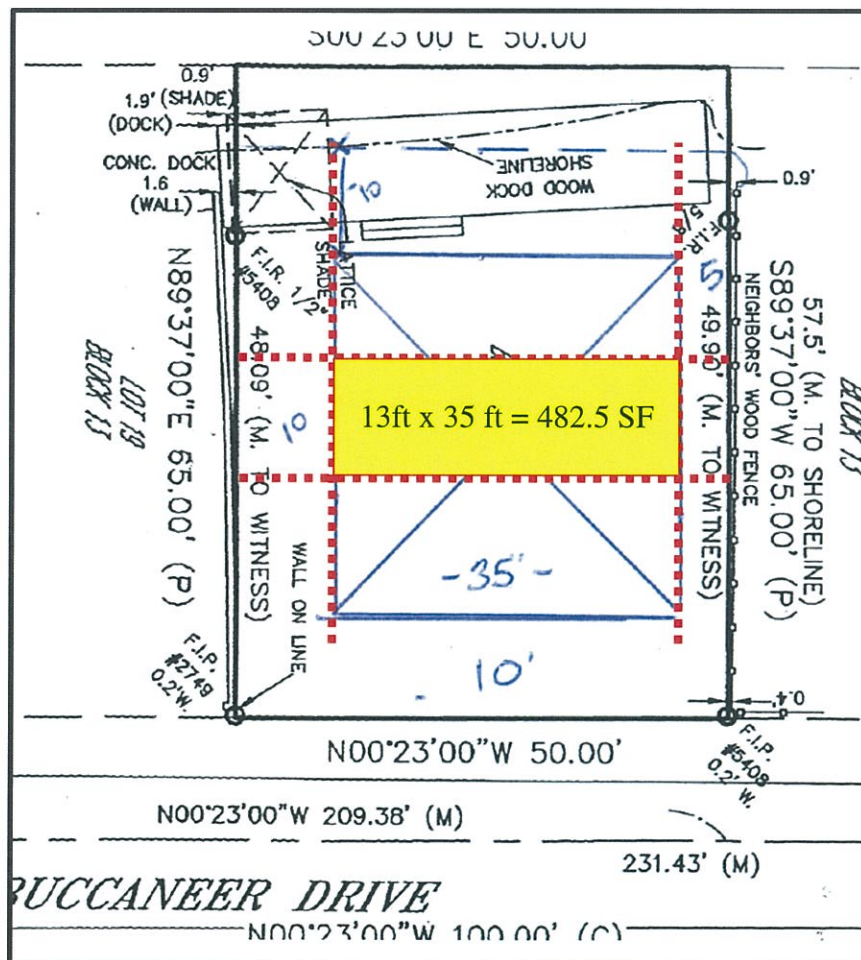




(2) *Failure to grant the variance would result in exceptional hardship to the applicant:*

**Applicant:** “The requested setbacks would result in only 13 feet of depth available for a building. Variances are requested by the property owner to construct the proposed single-family detached dwelling unit.”

**Staff:** The subject property is 57.5 feet in depth from the front property line to the shoreline. The required shoreline setback from the canal is 20 feet and the required primary front yard setback is 25 feet. These setbacks result in only 12.5 (13) feet of depth available for a building. A variance would allow the property owner to construct a single family residence. Further, the proposed footprint and scale of the building is consistent with other existing single-family residences located on similarly-sized properties in the community. Therefore, failure to grant the variance would result in exceptional hardship to the applicant.



**Property and current setback requirements with buildable area shown in yellow.**



- 1 (3) *Granting the variance will not result in increased public expenses, create a threat to public*  
2 *health and safety, create a public nuisance, or cause fraud or victimization of the public:*  
3

4 **Applicant:** "Granting the variances would not result in increased public expenses, create a  
5 threat to public health and safety, create a public nuisance, or cause fraud or victimization of  
6 the public."  
7

8 **Staff:** Granting the variance will not result in increased public expenses, create a threat to  
9 public health and safety, create a public nuisance, or cause fraud or victimization of the  
10 public. Note: staff will review all comments from surrounding property owners following  
11 notification of the application and valid objections from surrounding property owners may  
12 lead the Planning and Environmental Resources Department to reevaluate its  
13 recommendation.  
14

- 15 (4) *The property has unique or peculiar circumstances, which apply to this property, but which*  
16 *do not apply to other properties in the same zoning district:*  
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18 **Applicant:** "The shoreline for this parcel varies from the other parcels on this road because  
19 it encroaches into the property reducing the amount of upland area."  
20

21 **Staff:** The property has a unique or peculiar circumstance for a parcel in the IS District. IS  
22 lots in the Pirates Cove subdivision were platted prior to the current setback regulations.  
23 The original plat did not assume that a lot of this size (50 feet by 60 feet) would be subject  
24 to the current required setbacks that result in a buildable depth of the lot of 13 feet based on  
25 a 25-foot primary front yard setback and a 20-foot shoreline setback. Therefore, the  
26 property has unique or peculiar circumstances, which apply to this property and other 50-  
27 foot by 60-foot lots in the same subdivision, but which do not apply to typical IS lots (other  
28 larger properties in the same zoning district).  
29

- 30 (5) *Granting the variance will not give the applicant any special privilege denied other*  
31 *properties in the immediate neighborhood in terms of the provisions of this chapter or*  
32 *established development patterns:*  
33

34 **Applicant:** "The proposed setbacks are similar to the majority of the homes in the  
35 neighborhood and does not represent any special privilege. The dwelling units in this area  
36 of Buccaneer Drive are set back 10 feet from the front property line."  
37

38 **Staff:** Many of the properties in the surrounding neighborhood were built upon prior to the  
39 current Code becoming effective thereby creating many of the non-conformities found  
40 today. Vacant properties are subject to the current Monroe County Code. Granting the  
41 requested variance would not give the applicant any special privilege denied other properties  
42 in the immediate neighborhood in terms of the provisions of the land development  
43 regulations or established development patterns.  
44  
45  
46



1 (6) *Granting the variance is not based on disabilities, handicaps or health of the applicant or*  
2 *members of his family:*

3  
4 **Applicant:** "Concerning the development requiring a variance, granting the variance would  
5 not be based on disabilities, handicaps or health of the applicant or members of his or her  
6 family."

7  
8 **Staff:** Concerning the proposed development, granting the requested variance would not be  
9 based on disabilities, handicaps or health of the applicant or members of his family.

10  
11 (7) *Granting the variance is not based on the domestic difficulties of the applicant or his family:*

12  
13 **Applicant:** "Concerning the development requiring a variance, granting the variance would  
14 not be based on the domestic difficulties of the applicant or of his or her family."

15  
16 **Staff:** Concerning the proposed development, granting the requested variance would not be  
17 based on the domestic difficulties of the applicant or his family.

18  
19 (8) *The variance is the minimum necessary to provide relief to the applicant:*

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21 **Applicant:** "The variances are the minimum necessary to construct a single-family detached  
22 dwelling of a similar scale and footprint to the other existing single-family detached  
23 dwellings in the subdivision and provide relief to the applicant."

24  
25 **Staff:** The proposed location of the building is directly on the requested primary front yard  
26 setback line (10 feet from the property line). The proposed footprint and scale of the  
27 building is consistent with other existing single-family residences in the community. A  
28 variance of 15 feet to the 25-foot primary front yard setback along the Buccaneer Drive  
29 right-of-way would allow a single family residence of the proposed size to be constructed on  
30 the property. Therefore, the variance is the minimum necessary to provide relief to the  
31 applicant.

32  
33 V RECOMMENDATION:

34  
35 Staff recommends **APPROVAL** of a variance of 15 feet to the required 25-foot primary front  
36 yard setback along Buccaneer Drive with the following conditions (if necessary, following the  
37 consideration of public input, staff reserves the right to request additional conditions):

- 38  
39 1. The front yard setback variance is based on the sketch design and placement of the residence  
40 as shown on a copy of the survey plan by Lawrence P. Frank, P.L.S #4619, signed and dated  
41 10/30/2009 that was submitted with the variance application. Work not specified or  
42 alterations to the survey plan may not be carried out without additional approval.  
43  
44 2. This front yard setback variance is to allow the placement of the residence as shown by the  
45 sketch on the copy of the survey plan by Lawrence P. Frank, P.L.S. #4619, signed and dated  
46 10/30/2009 that was submitted with the variance application within the required primary  
47 front yard setback along Buccaneer Drive. It does not waive any other required setbacks and

1 it does not waive the required front or rear yard setback for any future structures or  
2 additions.

3  
4 VI PLANS REVIEWED:  
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- 6 A. A Boundary Survey certified to Kathleen M. Ryzoc and Paul Maggi Jack Kobe OVED, its  
7 successors and/or assigns as their interests may appear, Law Office of Laura F. Morgan,  
8 P.A., Old republic Title Insurance Company for Lots 1 and 12, Block 13, Pirates Cove,  
9 according to the Plat Thereof; as recorded in Plat Book 3, Page 18 of the Public Records of  
10 Monroe County, Florida by Lawrence P. Frank, Surveyors, Land Planners, 83266 Overseas  
11 Highway, Suite 300, Islamorada, FL 33036 signed and dated 10/30/09.  
12  
13 B. A copy of the above-referenced survey plan upon which the applicant sketched the design  
14 and placement of the proposed residence which is the subject of this variance application.